

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable, narrative reason change to "Secretarial Authority, and "re-entry code - 4."

The applicant seeks relief contending, in effect, their discharge was inequitable as their misconduct resulted from self-medicating untreated PTSD. They state denial of treatment before any misconduct, even though they reported PTSD symptoms, including nightmares, sleeplessness, hostility, and hyper-awareness, to a military provider. Their former Battalion Commander acknowledges the military failed to provide necessary mental health support and stated intervention could have led to retention. Following discharge, the applicant continued seeking treatment, was diagnosed with PTSD at a military facility, and later received a 70 percent VA service connection. They contend their service record shows no prior misconduct, and under current policies, they would have received proper mental health care instead of separation. The applicant requests a reentry code of "4" to grant equitable relief. The applicant served honorably, earning an award for meritorious actions in combat. Since discharge, they have successfully managed PTSD, built a career in Information Technology, owned a business, and advocated for mental health education through community involvement.

b. Board Type and Decision: In a records review conducted on 5 August 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

*Please see **Board Discussion and Determination** section for more detail regarding the Board's decision.*

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 30 April 2005**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 15 March 2005

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant tested positive for illegal drug use on or about 24 September 2004.

(3) Recommended Characterization: General (Under Honorable Conditions) / The initiating commander indicated the separation authority could direct a general (under honorable conditions) or a under other than honorable conditions discharge but omitted the possibility of an honorable discharge in the recommendation notification memorandum.

The intermediate commander recommended disapproval of the applicant's separation.

(4) Legal Consultation Date: 15 March 2005

(5) Administrative Separation Board: NA / The applicant elected to appear before an administrative separation board. The AMHRR is void of Administrative Separation Board proceedings.

(6) Separation Decision Date / Characterization: 19 April 2005 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 29 January 2003 / 3 years / The applicant's DD Form 214 indicates the applicant entered active duty on 20 September 2002, however, it appears the applicant was ordered to active duty as a member of the USAR and enlisted in active duty on 29 January 2003.

b. Age at Enlistment / Education / GT Score: 22 / High School Graduate / 103

c. Highest Grade Achieved / MOS / Total Service: PFC / 88N10, Transportation Management Coordinator / 2 years, 2 months, 1 day

d. Prior Service / Characterizations: USAR, 24 September 2001 – 28 January 2003 / HD
IADT, 22 January 2002 – 31 May 2002 / UNC
(Concurrent Service)
AD, 20 September 2002 – 28 January 2003 / NA
(Concurrent Service)

e. Overseas Service / Combat Service: Germany, SWA / Iraq (20 February 2003 – 16 February 2004)

f. Awards and Decorations: ARCOM, NDSM, GWOTEM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Electronic Copy of Specimen Custody Document – Drug Testing, 23 September 2004, reflects the applicant tested positive for THC 29 (marijuana) during an Inspection Random (IR) urinalysis testing conducted on 7 September 2004.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 5 September 2004, for fail to go at the prescribed time to their appointed place of duty and wrongfully using marijuana on or about 3 July 2004 and on or about 11 August 2004. The punishment consisted of a reduction to E-1, forfeiture of \$556 pay (suspended), and extra duty for 45 days (suspended).

Completion of Alcohol and Drug Abuse Prevention Training (ADAPT) Class Memorandum, 20 October 2004, reflects the applicant completed the required 16 hours of Alcohol and Drug Abuse Prevention Training (ADAPT).

Separation Under AR 635-200, Chapter 14-12c, Serious Misconduct, reflects the intermediate approval recommended disapproval of the recommendation of separation of the applicant. The memorandum displays the following handwritten notes: "We need to try and rehab this SM' Make them serve contractual obligation (as a PVT with no money if we have to)", "One time offense tells other Soldiers "if you want out, smoke pot"-wrong message".

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Chronological Record of Mech Care / SF600E, 12 July 2004, reflects clinical notes reflect post deployment the applicant had issues with sleeping and anger. The clinician noted PTSD and a psych referral.

Report of Medical Examination, the examining medical physician noted in the comments section: psychiatry follow-up.

VA Rating Decision, 27 January 2021, reflects the applicant was granted a service-connected disability rating of 70 percent for PTSD (Non-Combat/Fear-Easing standard).

(2) AMHRR Listed: Mental Status Evaluation Memorandum, 26 January 2005, reflects the applicant was angry and depressed. The applicant was diagnosed with Adjustment Disorder with Anxiety and Depression and Cannabis Abuse (by history). Findings: the applicant was mentally responsible, able to distinguish right from wrong and to adhere to the right and had the mental capacity to understand and to participate in the proceedings.

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; two Certificates of Release or Discharge from Active Duty; Attorney letter; Applicant statement; third-party statement; intermediate authority recommendation letter; Excerpt of Medical Records; VA Rating Document; ARCOM; Orders 03-010-00044; Legal Counsel Engagement letter.

6. POST SERVICE ACCOMPLISHMENTS: Built and owns a successful Information Technology business; actively engaged in their family's lives and Parent Teacher Organization; and advocates for mental health education.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National

Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board), sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and

composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(3) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(4) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(5) Chapter 14-12a establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(6) Paragraph 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(7) Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(8) Paragraph 14-12c prescribes a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

f. Army Regulation 601-210, (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment

per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant contends the narrative reason for the discharge needs changed to Secretarial Authority. The applicant was separated under Chapter 14, paragraph 14-12c, AR 635-200 provisions with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Serious Offense)," and the separation code is "JKQ." Army Regulation 635-8 (Separation Processing and Documents) governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28, and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for entry of any other reason under this regulation.

The applicant requests a reentry code of "4" to grant equitable relief. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "3." There is no basis for granting a change to the reason or the RE code. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. The Army Discharge Review Board considered the applicant's request.

The applicant contends their discharge was inequitable as their misconduct resulted from self-medicating untreated PTSD. They state denial of treatment before any misconduct, even though they reported PTSD symptoms, including nightmares, sleeplessness, hostility, and hyper-awareness, to a military provider. Their former Battalion Commander acknowledges the military failed to provide necessary mental health support and stated intervention could have led to retention. The applicant contends following discharge, the applicant continued seeking treatment, was diagnosed with PTSD at a military facility, and later received a 70 percent VA service connection. The applicant further contends under current policies, they would have received proper mental health care instead of separation. The applicant provided a third-party letter from their counsel, which described the applicant's VA letter and supported the applicant's contention. The applicant's AMHRR contains documentation supporting an in-service diagnosis.

The record shows the applicant underwent a mental status evaluation (MSE) on 26 January 2005, which indicates the applicant was mentally responsible and was able to recognize right from wrong and a diagnosis of adjustment disorder with anxiety and depression. The separation authority considered the MSE.

The applicant contends their service record shows no prior misconduct. Army Regulation 635-200, paragraph 3-5c, stipulates there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

The applicant contends serving honorably and earning an award for meritorious actions in combat. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends since the discharge they have successfully managed PTSD, built a career in Information Technology, owned a business, and advocated for mental health education through community involvement. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 70 percent SC for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between PTSD and the use of substances to self-medicate, the wrongful use of marijuana is mitigated..

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's medically mitigated illegal substance abuse.

b. Response to Contention(s):

(1) The applicant contends their discharge was inequitable as their misconduct resulted from self-medicating untreated PTSD. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse warranting relief.

(2) The applicant contends the narrative reason for the discharge should be changed to Secretarial Authority. The Board considered this contention but determined the narrative reason should change to Misconduct (Minor Infractions) after considering applicant's mitigated basis for separation, but does not warrant a change to Secretarial Authority as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(3) The applicant requests a reentry code of "4" to grant equitable relief. The Board considered this contention but determined no change is warranted because the applicant's RE-3 code is more beneficial than requested change to RE-4.

(4) The applicant contends their service record shows no prior misconduct. The Board considered this contention during proceedings, but determined that it does not warrant a change to Secretarial Authority narrative reason for separation. The Board considered this contention but determined the narrative reason should change to Misconduct (Minor Infractions) after considering applicant's mitigated basis for separation, but does not warrant a change to Secretarial Authority as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(5) The applicant contends serving honorably and earning an award for meritorious actions in combat. The Board considered this contention during proceedings, but determined that it does not warrant a change to Secretarial Authority narrative reason for separation. The Board considered this contention but determined the narrative reason should change to Misconduct (Minor Infractions) after considering applicant's mitigated basis for separation, but does not warrant a change to Secretarial Authority as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(6) The applicant contends since the discharge they have successfully managed PTSD, built a career in Information Technology, owned a business, and advocated for mental health education through community involvement. The Board considered this contention during proceedings, but determined that it does not warrant a change to Secretarial Authority narrative reason for separation.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's medically mitigated illegal substance abuse. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's medically mitigated illegal substance abuse offense. Thus, the prior characterization is no longer appropriate.

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AR20210000230

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

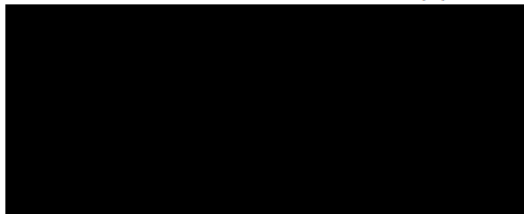
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200

Authenticating Official:

10/2/2025



Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs